

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1, 2, 5-10 and 12-14 are pending. Claims 1, 2, 5-10 and 12-14 have been rejected.

Claims 1, 6, 9, and 14 have been amended. No claims have been canceled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

Claims 1-2, 5-10, and 12-14 were objected to because of the informalities. Applicants have amended claim 1 to replace "in" the performance metrics with "of" the performance metrics.

Claims 6 and 9 have been amended accordingly.

Therefore, applicants respectfully submit that the Examiner's objection with respect to claims 1-2, 5-10, and 12-14 have been overcome.

Claim 14 have been amended to replace "11" with "10".

Therefore, applicants respectfully submit that the Examiner's objection with respect to claim 14 has been overcome.

Claims 1-2, 5-10, and 12-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. US2001/0021186 to Ono ("Ono").

Amended claim 1 reads as follows:

A method, comprising:
operating a control node of a communication network at a packet bandwidth wherein the control node coupled to a network node is located in a communication link between at least one server and at least one client ;
determining at least one resonance state of a performance metric that exhibits improved network performance metrics at the control node by monitoring the

performance metric and while scanning across a range of bandwidths of the control node until the at least one resonance state of the performance metrics is observed, the at least one resonance state indicating that one or more of the network performance metrics is optimized, and setting said packet bandwidth of the control node to a value that corresponds to the at least one resonance state of the performance metrics that is optimized.

(emphasis added)

Ono discloses a communication-status notification apparatus for a communication system. More specifically, Ono discloses observing a status in a network, and, selecting an optimum condition of voice communication according to the observed status (paragraph [0031]). In particular, Ono discloses the following:

More preferably, the traffic-status monitor/control section includes a bandwidth-alteration request section, responsive to the communication quality of voice data evaluated by the communication-quality evaluation section, for requesting each of one or more routers, which are included in the IP network 9, to alter a bandwidth to be used for voice data transmission, by transmitting a request signal to each of the routers via the VoIP gateway equipment 1.

(Ono, paragraph [0097]) (emphasis added)

Further, Ono discloses the following:

By carrying out the monitoring operation of the traffic status as described in (i), the VoIP gateway equipment 1A monitors the traffic status in the IP network 9 at regular intervals. When it is evaluated difficult to secure adequate communication quality based on the result of monitoring, because of decline of a throughput of IP packets due to deterioration of the traffic status of voice data, the VoIP gateway equipment 1A sends to the router 90 in the IP network 9 a request for altering a bandwidth to be allocated to voice data (Step E1).

(Ono, paragraph [0331]) (emphasis added)

Further, Ono discloses the following:

It is also possible to arrange that the communication-quality evaluation section 32 calculates a required bandwidth based on the traffic status monitored by the traffic-status monitor section 31, and inserts information about the required bandwidth into an IP packet created by the IP-packet creation/analysis section 13.

(Ono, paragraph [0338]) (emphasis added)

Thus, Ono merely discloses monitoring the traffic status, and determining a decline of a throughput based on monitoring. In contrast, amended claim 1 refers to determining at least one resonance state of a performance metric that exhibits improved network performance metrics by monitoring the performance metric while scanning across a range of bandwidths of the control node until at least one resonance state of the performance metrics is observed, the at least one resonance state indicating that one or more of the network is optimized.

Further, Ono merely discloses calculating a required bandwidth based on the monitored traffic status. In contrast, amended claim 1 refers to setting a packet bandwidth of the control node to a value that corresponds to the at least one resonance state of the performance metrics that is optimized.

Because Ono fails to disclose all limitations of amended claim 1, applicants respectfully submit that claim 1, as amended, is not anticipated under 35 U.S.C. § 102(e) by Ono.

Given that claims 2, 5-10, and 12-14 contain the limitations that are similar to the limitations set forth above with respect to amended claim 1, applicants respectfully submit that claims 2, 5-10, and 12-14 are not anticipated under 35 U.S.C. § 102(e) by Ono.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 022666 for any fee deficiency that may be due.

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman, LLP

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By: 

Lesfer J. Vincent, Reg. No. 31,460

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

Customer No. 008791